

Notice of Allowability

Application No.

10/045,439

Examiner

Mike Stahl

Applicant(s)

HODGE ET AL.

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 10/8/03.
2. ☒ The allowed claim(s) is/are 1-7, 10-14, 18, 19, 22-34 and 37-39.
3. ☒ The drawings filed on 07 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____. | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other _____. |

This office action is in response to the amendment filed October 8, 2003. The changes to the claims have been entered. Claims 1-7, 10-14, 18-19, 22-34, and 37-39 remain. All objections and rejections made in the last office action are withdrawn in view of the amendment.

Allowable Subject Matter

Claims 1-7, 10-14, 18-19, 22-34, and 37-39 are allowed. In the last office action, claims 9 and 21 were identified as containing allowable subject matter but were objected to as dependent from rejected base claims. Since applicant has incorporated the subject matter of claims 9 and 21 into base claims 1 and 18, respectively, claims 1 and 18 and their associated dependent claims are now allowed. Similarly, applicant added the allowable feature of claims 9 and 21 to independent claim 27. Accordingly, claim 27 and its respective dependent claims are now allowed.

Conclusion

US 6621975 was found during an update of the search and is made of record since it discloses relevant subject matter (particularly figure 3, which shows open drop plugs **35/37** having concave end portions for sealing drop cables). It is noted, however, that this reference does not qualify as prior art.

Any inquiry concerning this communication should be directed to Mike Stahl at (703) 305-1520. Official communications eligible for submission by facsimile may be faxed to (703) 872-9318 (before final) or (703) 872-9319 (after final). Inquiries of a general or clerical nature

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(e.g., a request for a missing form or paper, etc.) should be directed to the Technology Center
2800 receptionist at (703) 308-0956 or to the technical support staff supervisor at (703) 308-
3072.

MJS

Michael J. Stahl
Patent Examiner
Art Unit 2874

October 29, 2003

A handwritten signature, likely of Michael J. Stahl, consisting of a stylized 'M' followed by a series of loops and a long horizontal stroke.